RAJYA SABHA

Tuesday, the 29th July, 1997/the 7th Shravana, 1919 (Saka)

The House met at the eleven of the clock

The Deputy Chairman *in the Chair*

ORAL ANSWERS TO QUESTIONS

THE DEPUTY CHAIRMAN : Question No. 81

*81 *[The Questioners (Dr. Mahesh Chandra Sharma and Shri O. Rajagopal) were absent. For answer* vide *col..... infra]*

Law Ministers' conference for providing speedy justice

*82. SHRIMATI MALTI SHARMA:† SHRI RAJ NATH SINGH:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government's attention has been drawn to the news item which appeared in the Hindustan Times, dated the 7th July, 1997, under the caption, "Stage set for providing speedy justice";

(b) if so, the details thereof;

(c) whether it is a fact that recently in Law Ministers' conference held in Delhi it was decided that a High Power Committee would be set up for providing inexpensive and speedy justice to the people; and

(d) if so, by when the decision will be implemented in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) to (d) Government is aware of the article appeared in the Hindustan Times dated 7th July 1997 under the caption " Stage set for providing speedy justice".

The conference of Law Ministers held in New Delhi on 30th June and 1st July, 1997 adopted a number of recommendations with a view to providing speedy justice to people which included', among other things, amendments to the Code of Criminal Procedure and to the Code of the Civil Procedure, review/ repeal of obsolete laws on priority basis, etc.

The conference also decided to form a committee of Law Ministers & Home Ministers to monitor the implementation of the decisions taken at the Conference.

विपक्ष के नेता (श्री सिकन्दर बख्त) : आप क्वेश्चन नम्बर बोलिए ।

उपसभापति : उन्होंने क्वेश्चन नम्बर बोला हैं आप तक आवाज नहीं पहुंची ।

श्री सुरिन्दर कुमार सिंगला : मैडम, महिलाओं की आवाज कम हैं ।

उपसभापति : महिलाओं की आवाज दबाते हैं तो कम नहीं होगी क्या ।

श्री अजीत जोंगी : मैंडम, बिहार भी महिलाओं को दे दिया ।

श्रीमती मालती शर्मा : महोदया, मैं मंत्री जी से यह जानकारी चाहती हूं कि अनें सिफारिशों का विवरण क्या हैं ? यह समिति कब तक बनेगी और इसमें किस तरह के लोग होंगे ?

श्री रमाकान्त डी. खलप : जो लॉ मिनिस्टर्स की कमेटी बनाई गई हैं उसमें राज्यों के छह लॉ मिनिस्टर्स हैं । यह कमेटी इसलिए बनाई गई हैं कि हम लोगों ने लॉ कांफ्रेंस में जो डिसीजन लिए हैं उनका इम्पलीमेंटेशन होता हैं या नहीं होता हैं । यह देखने के लिए कमेटी का गठन किया गया हैं ।

श्रीमती मालती शर्मा : महोदया, मैं यह जानना चाहती हूं कि क्या इस समिति का कोई कार्यकाल निश्चित किया जायेगा और कितने केसिज कोर्ट में पैडिंग हैं ? क्या यह सच हैं कि मुकदमों की सुनवाई जजों की कमी के कारण नहीं हो पाती हैं और बहुत बड़ी संख्या में मुकदमें लम्बित पड़े हुए हैं ? माननीय मंत्री जी इसकी जानकारी दें कि यह समिति कब तक बना दी जायेगी और कब से अपना कार्य शुरू कर देगी ?

श्री रमाकान्त डी.खजप : इसमें दो बातें हैं । जो डिसीजन्स इस कांफ्रेस में लिए गए हैं वे डिसीजन्स प्राइमरिली दो हैं, अमेंडमेंट ऑफ सिविल प्रॉसीजर कोड, अमेंडमेंट ऑफ क्रिमिनल प्रॉसीजर कोड । दूसरा डिसीजन जो बहुत ही इम्पोंटेंट हैं वह यह हैं कि इस साल 15 अगस्त से लेकर के अगले वर्ष 15 अगस्त तक, पूरे एक साल तक लोग अदालत लगाने का काम किया जाएगा । यह

†The question was actually asked on the floor of the House by Shrimati Malti Sharma.

कमेटी देखेगी कि हमने यह जो निर्णय लिया हैं इस निर्णय का इम्पलीमेंटेशन होता हैं या नहीं होता हैं । इसके बारे में यह कमेटी काम करेगी ।

श्रीमती मालती शर्मा : महोदया, मैं मंत्री जी से यह जानना चाहती हूं कि कोर्ट में अब तक कितने केसिज लम्बित हैं ?

श्री रमाकान्त डी.खजप : कल दो-ढाई करोड़ केसिज कोर्ट में लम्बित हैं ।

उपसभापति : ये कब तक पूरे होंगे ?

SHRI RAMAKANT D. KHALAP: It is not an easy thing to say that these cases will be decided in a very short period or in a definite period. However, if the amendment to Civil Procedure Code is passed by the Parliament we will be adopting several new methods for the purpose of dealing with the cases. What we intend to do is, as the recommendation says, definite time-limits will be prescribed in the proposed amendments for all pleadings. Alternate Dispute Resolution system will be adopted which will be a compulsory part in the Civil Procedure Code for the purpose of giving finality to various decisions and views; a time-limit will be prescribed. If my intentions and ideas are implemented, of course, by the House adopting an amendment code, one year will be a maximum period for the purpose of disposal of suit at the primary level.

श्रीमती मालती शर्मा : महोदया, मेरी जानकारी हैं कि तीन करोड़ केसिज लम्बित हैं । मैं माननीय मंत्री जी से यह जानकारी चाहती हूं कि इन केसिज को समाप्त करने के लिए क्या आप जजों की संख्या जल्दी से जल्दी बढ़ायेंगे ?

श्री रमाकान्त डी.खजप : मैडम, जजों की संख्या बढ़ाने का कोई प्रपोजल नहीं हैं ।

What we will do is, we shall see to it that vacancies do not remain in the judiciary, As early as possible, almost all vacancies will be filled and we shall be adopting Alternate Dispute Resolution methods for the purpose of disposal of cases..

THE DEPUTY CHAIRMAN: Shri Raj Nath Singh. He is absent.

SHRI V. NARAYANASAMY: Madam.....

THE DEPUTY CHAIRMAN: See, I have the names of so many people who want to ask. If the House wants that we should discuss only the first questions, we will discuss the first question. But if the House wants that we should discuss at least some of the questions, it will also be listed and balloted and then left to the Chair to decide. If the answer is satisfactory, then others can be accomodated for other questions.

We should discuss some more questions. Otherwise, what is the point in listing twenty questions. I want to get more subjects discussed.

श्री मूलचन्द मीण : उपसभापति महोदया, मैं माननीय मंत्री जी से जानना चाहूंगा कि इस देश में दो-ढाई करोड़ केसेज न्यायालयों में पेडिग है और आपके न्यायालयों के अंदर कुछ न्यायाधीश ऐसे भी हैं जिनको कानून का ज्ञान नहीं हैं । इस प्रकार की टिप्पणी सुप्रीम कोर्ट के न्यायाधीश ने एक जज के बारे मे की थी । क्या आप ऐसे न्यायाधीशों, से आशा करते हैं कि उन के द्वारा लोगों को सही और शीघ्र न्याय मिल सकेगा ? मैं जानना चाहता हूं कि ऐसे न्यायाधीशों के खिलाफ आप क्या कार्यवाही करने जा रहे न्यायाधीशों के खिलाफ आप क्या कार्यवाही करने जा रहे हैं, क्या कार्यवाही कर रहे हैं और क्या कार्यवाही की गयी हैं, जिनको कानून का ज्ञान नहीं हैं ?

SHRI SURINDER KUMAR SINGLA: It is a very vital question ... *(.Interruptions)...*

SHRI JOHN F. FERNANDES: It was a Supreme Court Judgement.., *(Interruptions)...*

श्री रमाकान्त डी.खजप : ऐसी कोई जानकारी हमारे पास नहीं हैं । जज बनने से पहले *...(Interruption)*

SHRI JOHN F. FERNANDES: It is a pronounced judgement of the Supreme Court. How can the Minister be ignorant about it?

THE DEPUTY CHAIRMAN: You please send him a copy ... *(Interruptions)...*

श्री मूलचन्द मीण : मै मिनिस्टर साहब से जानना चाहता था कि ऐसे जजों के खिलाफ आपका कानून मंत्रालय क्या कार्यवाही कर रहा हैं ?

श्रीमती वीणा वर्मा : मैडम, विधि आयोग ने अपने 154वीं रिपोर्ट में बहुत सी सिफारिशें की थी तो क्या विधि आयोग की सिफारिशों को, जो विधि सम्मेलन हुआ उसमें उनको लिया गया था ? उसमें महिलाओं से संबंधित बहुत सी सिफारिशें की गई थी । मैं मंत्री जी से जानना चाहती हूं कि महिलाओं को जल्दी न्याय दिलाने के लिए और कुछ विशेष अदालतें, विशेष मजिस्ट्रेट अप्वाइंट करने के बारे में, ताकि महिलाओं को जल्दी न्याय दिलाया जाए, इसमें कहां तक बात बढ़ी हैं ? और दूसरा...

उपसभापति : पहले इसका जवाब देने दीजिए कन्फ्यूज कर देंगे। इसका जवाब होने दीजिए।

SHRI RAMAKANT D. KHALAP: Madam, in the 154th report of the Law Commission, there are recommendations regarding offences against women and children. Those recommendations are under the consideration of the Government now. I may assure the House that very soon we will be coming before the House with a Bill, amending the Criminal Procedure Code.

SHRIMATI VEENA VERMA: How many of them have been accepted and what is the total number of such recommendations?

SHRI RAMAKANT D. KHALAP: The recommendations related to trial of the accused involved in specific offences against women. They cover the law relating to arrest, law relating to bail and law relating to trial of cases of molestation, rape and so on.

SHRIMATI VEEN VERMA: What about appointment of special magistrates?

SHRI RAMAKANT D. KHALAP: Special courts have also been there.

SHRIMATI VEENA VERMA: Those recommendations have not been implemented at all.

THE DEPUTY CHAIRMAN: Actually, the recent report is that in all the cases of rape, all the accused have been acquitted. This is the result.

SHRI SANATAN BISI: Madam, it is reported in today's newspapers that there are about three crore cases pending in different courts and that the Government is the biggest litigant. I want to know from the Government the steps being taken so that the Government cases could be disposed of as early as possible.

SHRI JOHN F. FERNANDES: Why not other cases?

SHRI SANATAN BISI: The Government is the biggest litigant.

SHRI RAMAKANT D.KHALAP: Madam, may I inform the House that there is a Committee of Secretaries which goes through the cases which are to be filed by the Government or which have been filed against the Government. It takes a decision as to what exactly is to be done in such cases. Those cases which can be settled—if they are between different organs of the Government—the Committee will try to find a solution without going to the courts. If it becomes necessary, then it will go to the courts.

PROF. RAM KAPSE: Madam, I would like to know from the Minister one thing. In the second para of his reply, he has mentioned that he is considering review and repeal of the appellate law on a priority basis. In the last fifty years laws after laws have become redundant, those laws which have nothing to do with independent India. I would like to know how many law's need such treatment and what is your plan in the next year as far as laws which have become obsolete are concerned? There is one other question. You have said among 'other things' these are the things that were discussed. I would like to know that these 'other things' are.

SHRI RAMAKANT D. KHALAP: As regards obsolete laws you may recall that the Prime Minister himself has stated that a Law Reforms Commission will be appointed. We have taken steps to appoint this Commission. We are doing it in two ways. One, each Ministry has been directed to make a list of laws which in their opinion need to be either repealed, amended or reformed. After this exercise is completed, there will be commission which will consider the suggestions of different Ministries and whichever law needs to be amended, repealed or reformed, that recommendation will be made by this Law Reforms Commission. This Commission is going to be in existence very soon. We are in the process of taking the consent of the proposed members who will be constituting this Commission.

SHRI JOHN F FERNANDES: Madam, speedy justice these days is available through PILs. This is a popular way of litigation. But PILs are being disposed of at the cost of cases which have been pending for years together. I would like to know whether the Government would consider setting up special courts for taking up PILs or is the Government going to

bring forward some legislation to control PILs, because he has been making statements off and on publicly that he would control the judiciary on PIL.

SHRI RAMAKANT D.KHALAP: The hon. Member is not correctly describing to the House what I have been saying. You will recall that there is a debate going on in the country...

श्री त्रिलोकी नाथ चतुर्वेदी : चिराग तले अंधेरा । गोओ, गोआ कहते हैं उनको पता नहीं हैं । गोआ के ये भी हैं लेकिन उनको पता नहीं हैं । (**व्यवधान**)

श्री रमाकान्त डी. खपल : वह तो दिल्ली में बैठे हैं । सुनते नहीं हैं कि मैं गोआ में क्या बोलता हूं ।

SHRI JOHN F. FERNANDES: He is a Minister of the Government of India, Madam. He has nothing to do with the state here.

SHRI SURINDER KUMAR SINGLA: Both have nothing to do with the State!

SHRI RAMAKANT D. KHALAP: So, what we have been saying is that so far as pending cases are concerned, a concerted effort is required. The Law Ministers' Conference also considered this issue in detail. Certain specific decisions have been arrived at. One is to strengthen the Alternate Dispute Settlement system. We already have arbitration and consultation laws in force now. The provisions of these laws need to be utilised at all levels. Secondly, what has been decided is that we must amend the Civil Procedure Code because it is found that the procedure itself is a bottleneck and it creates bottlenecks because of the web of various steps needed to be taken at various stages. It has led to congestion in courts. So, once the proposed amendments to the Civil Procedure Code are enacted and once they become law, I am sure it will help us in reducing the heavy backlog. I wouldn't ascribe any credence to this statement that PIL is leading to congestion in courts or it is leading to delay in disposal of cases. That is not a correct statement. PlL is taken up only in the Supreme Court and the High Courts. In the Supreme Court, the number of pending cases is only between twenty and thirty thousand. In the Supreme Court, no case remains pending for more than one to two years. The disposal is very quick now. About the High Courts, of course, it can be said to some extent that the number of pending cases is quite large. But then, putting curbs on PIL is no answer. What was said was that some people have made it a habit to go to the court on any issue and this, according to some people, affects disposal of normal cases which are there before the courts. What was suggested was that parameters for admission of cases be laid down.

What was suggested was that the exact principles on which a public interest litigation would be accepted by the court and disposed of would be laid down as a sort of guidance for the general public so that the general public can know which are the grounds and which are the issues on which they can come to the court in a public interest litigation. It can help everyone. This can be done either by legislation or it can be done by the courts themselves. What 1 have been saying is that if the courts lay it down, it would be much better. I think a number of judgements are available today which lay down guidelines in respect to public interest litigation. If the Supreme Court lays down these guidelines, it will help everybody. That is all.

SHRI SURINDER KUMAR SINGLA: Madam, I have a specific question.

SHRI DEPUTY CHAIRMAN: Just one minute. I think a Bill is going to come to the House. We have already taken 15 minutes on this question. If everybody agrees...

SHRI SURINDER KUMAR SINGLA : Madam. I have a specific question.

THE DEPUTY CHAIRMAN: No, Please. If I allow you, then I will have to allow all the 10—20 people. Now Question No. 83.

Pending Cases of Evasion of Central Excise Duty

*83. SHRI S. MUTHU MANI: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that 46,770 cases involving Rs. 12730.62 crores of Central excise duty evasion were pending with different authorities as on 31st March, 1997;

(b) if so, the action taken by Government to decide the said pending cases; and